Remarks

Claims 1, 3 and 22-23 are amended herein. Claims 1-23 remain pending in the Application.

Rejection under 102(e)

Claims 1-4 and 6

In the Office Action, the Examiner rejected Claims 1-4 and 6 under 35 USC 102(e) as being anticipated by Huotari et al. (2002/0004935). Applicant has reviewed Huotari et al. and respectfully states that Huotari et al. do not anticipate the present invention for the following rationale.

Applicant respectfully states that amended Independent Claim 1 includes the feature "receiving an automatically generated communication via a communication link, said automatically generated communication not requiring any user interaction or user entered information." Support for the Claimed feature can be found throughout the Application including page 7 line 5 through page 8 line 6 and page 11 lines 22-25 of the Specification.

Applicant respectfully disagrees that Huotari et al. anticipates the feature of Claim 1. Applicant understands Huotari et al. to teach that the DSL program initiates the DSL installation process by prompting the subscriber to enter the subscriber's dial-up access login name and the subscriber's dial-up access login password. In addition, Applicant further understands Huotari et al. to teach that the subscriber is also prompted to select the appropriate configured modem. Therefore, Applicant understands Huotari et al. to require user entered information to begin the DSL installation process.

Therefore, since Applicant understands Huotari et al. to teach prompting of user information, Applicant does not understand Huotari et al. to anticipate an automatically generated communication not requiring any user interaction or user entered information as claimed in Independent Claim 1.

Therefore, Applicant respectfully submits that Huotari et al. does not anticipate the present claimed invention as recited in Claim 1, and as such, Claim 1 is in condition for allowance. Accordingly, Applicant also respectfully submits that Huotari et al. does not anticipate the present claimed invention as recited in Claims 2-4 and 6 which are dependent on an allowable Independent Claim 1 and that Claims 2-4 and 6 recite further features of the present claimed invention. Therefore, Applicant respectfully states that Claims 2-4 and 6 are allowable as pending from allowable base Claims.

<center>Rejection under 103(a)</center>

Claims 5 and 7-23

In the Office Action, the Examiner rejected Claims 5 and 7-23 under 35 USC 103(a) as being unpatentable over Huotari et al. in view of Dieterman et al. (6560704). Applicant has reviewed the cited reference and respectfully submits that the present invention is not rendered obvious over Huotari et al. in view of Dieterman et al. for the following rationale.

With respect to Claim 5, Applicant respectfully points out that Claim 5 depends from the allowable Claim 1 and recites further features of the present claimed invention. Therefore, Applicant respectfully states that Claim 5 is allowable as pending from an allowable base Claim.

With respect to Claims 7 and 16 Applicant respectfully agrees with the Examiner that Huotari et al. does not teach, disclose or render obvious the features of upon determining that the configuration information is needed for said communications device, automatically contacting a server via a communications link.

However, Applicant respectfully disagrees that Dieterman et al. teach or renders obvious the claimed feature. Applicant understands Dieterman to teach

that it is not the client that determines that configuration information is needed and automatically contacting the server. Instead, Applicant understands Dieterman to teach that when the client connects to the service provider, then the service provider automatically determines the need to update the settings and client configuration.

In other words, Applicant understands Dieterman to teach the <u>server deciding</u>, based on possible POP configurations, when updated configuration information should be provided to the communications device. However, in the claimed method, the <u>communications device determines</u> that the configuration information is needed and automatically contacts a server via a communications link. (emphasis added)

Therefore, Applicant respectfully states that Dieterman teaches against the communications device making the configuration decision and instead teaches the server making the update decision.

Thus, Applicant respectfully submits that Huotari et al. either alone or in combination with Dieterman et al. do not teach or render obvious the present claimed invention as recited in Claims 7 and 16, and as such, Claims 7 and 16 are in condition for allowance. Accordingly, Applicant also respectfully submits that Huotari et al. either alone or in combination with Dieterman et al. does not teach or render obvious the present claimed invention as recited in Claims 8-15 and 17-23 which are dependent on an allowable Independent Claims 7 and 16, and that Claims 8-15 and 17-23 recite further features of the present claimed invention. Therefore, Applicant respectfully states that Claims 8-15 and 17-23 are allowable as pending from allowable base Claims.
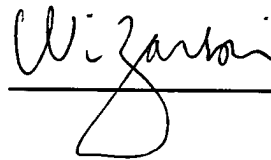
Conclusion

In light of the above amendments and remarks, Applicant respectfully requests allowance of Claims 1-23.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present application.

Respectfully submitted,

Wagner, Murabito & Hao LLP

Date: 1|3|06

William A. Zarbis
Reg. No. 46,120

Two North Market Street
Third Floor
San Jose, California 95113
(408) 938-9060